

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

: CLERK'S CERTIFICATE OF
: DEFAULT PURSUANT TO
: LOCAL CIVIL RULE 55.1

: 1:03 MDL 1570 (GBD)(SN)

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This Document Relates to

Grazioso, et al. v. The Taliban, et al.

1:22-cv-01188 (GBD)(SN)

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on February 11, 2022 with the filing of a Complaint naming the Taliban as following as a *Grazioso* Defendants (*Grazioso* Doc. No. 1; refiled on February 15, 2022, *Grazioso* Doc. No. 6).

An Amended Complaint was filed on August 1, 2022 (*Grazioso* Doc. No. 19) and a Second Amended Complaint was filed on August 23, 2022 (*Grazioso* Doc. No. 29; MDL Doc. No. 8428). A summons was issued on August 23, 2022 (docketed on August 25, 2022, *Grazioso* Doc. No. 31; MDL Doc. No. 8424). All of the relevant pleadings documents, including certified translations thereof (the “*Grazioso* Service Materials”), were properly served on Defendant the Taliban.

Defendant the Taliban has failed to enter an appearance in this Court and has not filed any responsive pleading to the *Grazioso* Plaintiffs' Second Amended Complaint, or any other pleading filed by the *Grazioso* Plaintiffs. *Grazioso* Defendant the Taliban has been afforded more than sixty (60) days to file responses, yet has not appeared in that time.

This Court, on April 17, 2023, issued an Opinion and Order authorizing the *Grazioso* Plaintiffs to use alternative service methods to serve their pleadings and related materials on Defendant the Taliban pursuant to Fed. R. Civ. P. 4(f)(3) (the “Order”). *See* MDL Doc. No. 9024. The Order authorized service on the Taliban by, *inter alia*, publication of notice in newspapers, as follows:

The *Grazioso* Plaintiffs shall serve the Taliban by publishing notice of this action at least once per week for four consecutive weeks in *Al-Quds Al-Arabi* and the United States and international editions of *The New York Times*. The content and timing of these notices must follow the requirements of CPLR § 316 and include “a brief statement of the nature of the action and the relief sought.” They must also include either all the materials required to be served or a link to publicly accessible online versions of those materials.

Order at 5.

Pursuant to the Order, the *Grazioso* Plaintiffs also drafted the following notice in compliance with CPLR § 316 and had it translated into Arabic and into Pashto, the recognized official language of Afghanistan:

PUBLIC NOTICE

In the United States District Court for the Southern District of New York, Case Nos. 03-MD-1570-GBD-SN and 1:22-CV-01188-GBD-SN, on August 23, 2022, Plaintiff Deborah Grazioso, as Personal Representative of the Estate of Timothy Grazioso, Deceased, and 246 other Plaintiffs, filed a Second Amended Complaint against the Islamic Emirate of Afghanistan, *a/k/a* the Taliban, and others in connection with the terrorist attacks in the United States on September 11, 2001.

Pursuant to, *inter alia*, 18 U.S.C § 2333, 28 U.S.C § 1331 and § 1332(a)(2) and the Torture Victim Protection Act of 1991, PL 102-256, 106 Stat. 73, the *Grazioso* Plaintiffs seek judgment in their favor against Defendants, jointly, severally, and/or individually, for compensatory and punitive damages in excess of One Billion US Dollars (US \$1,000,000,000), plus pre- and post-judgment

interest, attorney's fees, costs of this action and further appropriate relief. This is a notice that the pleadings have been filed. The pleadings are available in English and Pashto at the following website: www.wigginschild.com/grazioso.

See EXHIBIT A to *Grazioso* Plaintiffs' Certificate of Service, dated August 2, 2023, at *Grazioso* Doc. No. 57; MDL Doc. No. 9258 (hereinafter "*Grazioso* Service Cert.")¹.

Pursuant to the Order and as stated in their notice, the *Grazioso* Plaintiffs facilitated the creation of a publicly accessible online website at www.wigginschild.com/grazioso. The website contains the text of their notice in English, Arabic and Pashto, as well as the *Grazioso* Second Amended Complaint and Summons in English and Pashto. *See* www.wigginschild.com/grazioso; *see also, EXHIBIT B* to *Grazioso* Service Cert. (screen capture of first page of www.wigginschild.com/grazioso).

Attached to *Grazioso* Service Cert. as **EXHIBIT C** is a true and correct copy of a Declaration of Publication from Pat Sundram, the business manager of *Al-Quds Al-Arabi* newspaper, certifying that the *Grazioso* Plaintiffs' notice was published in that newspaper on April 28, 2023; May 5, 2023; May 12, 2023; and May 19, 2023. The Declaration also includes true and correct copies of pages from *Al-Quds Al-Arabi* on those dates, each of which contains the published notice. The notice was published in *Al-Quds Al-Arabi* newspaper in Arabic (a copy of the Arabic translation of the notice is attached to *Grazioso* Service Cert. at **EXHIBIT A**).

Attached to *Grazioso* Service Cert. as **EXHIBIT D** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the U.S. edition of *The New York Times*. Attached also at **EXHIBIT D** are true and correct copies of "tearsheets" showing the placements of the *Grazioso* notices in the U.S. editions of *The New York Times* newspaper.

- a. Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT D.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023, as well as a tearsheet showing placement of the May 3, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
- b. Attached to *Grazioso* Service Cert. as **EXHIBIT D.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023, as well as a tearsheet showing placement of the May 10, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
- c. Attached to *Grazioso* Service Cert. as **EXHIBIT D.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023, as well as a tearsheet showing placement of the May 17, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.
- d. Attached to *Grazioso* Service Cert. as **EXHIBIT D.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023, as well as a tearsheet showing placement of the May 24, 2023 notice on page B4 in the U.S. edition of *The New York Times* newspaper.

Attached to *Grazioso* Service Cert. as **EXHIBIT E** are true and correct copies of four Proof of Publications from *The New York Times* certifying the publication of the *Grazioso* Plaintiffs' notice in the International edition of *The New York Times*. Attached also at **EXHIBIT E** are true and correct copies of "tearsheets" showing the exact placements of the notices in *The New York Times* – International edition.

- a. Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT E.1.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 3, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 3, 2023 notice on page A9 in the International edition of *The New York Times*.

- b. Attached to *Grazioso* Service Cert. as **EXHIBIT E.2.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 10, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 10, 2023 notice on page A7 in the International edition of *The New York Times*.
- c. Attached to *Grazioso* Service Cert. as **EXHIBIT E.3.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 17, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 17, 2023 notice on page A8 in the International edition of *The New York Times*.
- d. Attached to *Grazioso* Service Cert. as **EXHIBIT E.4.** is a notarized Proof of Publication signed by Larnyce Tabron, Principal Clerk of *The New York Times*, certifying publication of the *Grazioso* notice on May 24, 2023 in the International edition of *The New York Times* newspaper, as well as a tearsheet showing placement of the May 24, 2023 notice on page A7 in the International edition of *The New York Times*.

In conformity with the Order and CPLR § 316, the *Grazioso* notices were published in *The New York Times* newspaper (both the U.S. and International editions) and *Al-Quds Al-Arabi* newspaper once per week for four consecutive weeks.

The Order further required the *Grazioso* Plaintiffs to serve Defendant the Taliban by sending notice in English, Arabic, and Pashto to known Taliban-related Twitter accounts:

The *Grazioso* Plaintiffs shall additionally serve the Taliban via messages to the Twitter accounts @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1, or any other Twitter accounts reported to belong to Taliban spokespersons. The Twitter messages should be sent in English, with translations into Arabic and Pashto, and contain the same notices published in *Al-Quds Al-Arabi* and *The New York Times*.

Order at 5.

The *Grazioso* Plaintiffs created a Twitter account at “@Grazioso_Plaintiffs.” On May 23, 2023, the *Grazioso* Plaintiffs sent messages in English and Pashto to the Twitter accounts of @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F** to *Grazioso* Service Cert. On June 6, 2023, the *Grazioso* Plaintiffs sent Twitter messages in Arabic to the Twitter accounts of @Abdullah_azzam7, @IeaOffice, @QaharBalkhi, @Zabehulah_M33, @QyAhmadi21, and @suhailshaheen1. See **EXHIBIT F** to *Grazioso* Service Cert.

The *Grazioso* Plaintiffs’ Twitter messages contained the same notice as was published in *Al-Quds Al-Arabi* newspaper and *The New York Times* newspaper, including the link to the pleadings on-line at www.wigginschilds.com/grazioso. See **EXHIBITS A and B** to *Grazioso* Service Cert.

Specifically, attached to *Grazioso* Service Cert. as **EXHIBIT F.1.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @abdullah_azzam7 on May 31, 2023 and June 6, 2023. Upon information and belief, @abdullah_azzam7 is a Twitter account associated with Abdullah Azzam, the secretary to Taliban Acting First Deputy Prime Minister Abdul Ghani Baradar. Also attached at **EXHIBIT F.1.** is a true and correct copy of a screen capture of the Twitter profile for @abdullah_azzam7, which states that it is the account of the “Personal Secretary 2 D 1st Deputy PM of D IEA, Mullah Abdul Ghani Baradar.”

Attached to *Grazioso* Service Cert. as **EXHIBIT F.2.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @IeaOffice on May 31, 2023 and June 6, 2023. Upon information and belief, @IeaOffice is a Twitter account associated with Taliban political spokesman Mohammed Naeem. Also attached to

Grazioso Service Cert. at **EXHIBIT F.2.** is a true and correct copy of a screen capture of the Twitter profile for @IeaOffice, which states that it is the account of “Spokesman of the Political Office of the Islamic Emirate of Afghanistan.”

Attached to *Grazioso* Service Cert. as **EXHIBIT F.3.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @QaharBalkhi on May 31, 2023 and June 6, 2023. Upon information and belief, @QaharBalkhi is a Twitter account associated with Abdul Qahar Balkhi, a spokesperson for the Taliban’s Ministry of Foreign Affairs. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.3.** is a true and correct copy of a screen capture of the Twitter profile for @QaharBalkhi, which states that it is the account of “MoFA Spokesperson, Islamic Emirate of Afghanistan.”

Attached to *Grazioso* Service Cert. as **EXHIBIT F.4.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @QyAhmadi21 on May 31, 2023 and June 6, 2023. Upon information and belief, @QyAhmadi21 is a Twitter account associated with Qari Yousaf Ahmadi, a Taliban spokesperson. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.4.** is a true and correct copy of a screen capture of the Twitter profile for @QyAhmadi21, which states that it is the account of “the spokesman of Islamic Emirate of Afghanistan.”

Attached to *Grazioso* Service Cert. as **EXHIBIT F.5.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @suhailshaheen1 on May 31, 2023 and June 6, 2023. Upon information and belief, @suhailshaheen1 is a Twitter account associated with Suhail Shaheen, a Taliban spokesman. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.5.** is a true and correct copy of a screen

capture of the Twitter profile for @suhailshaheen1, which states that it is the account of “IEP Permanent Rep-desig. To UN, Head of Political Office, former Negotiations Team’s Member.”

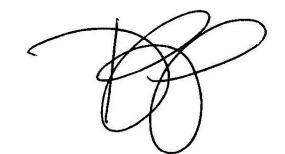
Attached to *Grazioso* Service Cert. as **EXHIBIT F.6.** are true and correct copies of the Twitter messages, in English, Pashto and Arabic, sent from @Grazioso_Plaintiffs to @Zabehulah_M33. Upon information and belief, @Zabehulah_M33 is a Twitter account associated with Zabihullah Mujahid, a spokesperson for the Taliban. Also attached to *Grazioso* Service Cert. at **EXHIBIT F.6.** is a true and correct copy of a screen capture of the Twitter profile for @Zabehulah_M33, which states that it is the “Official Twitter Account of the Spokesman of the Islamic Emirate of Afghanistan.”

Pursuant to the Court’s April 21, 2021 Order, service of the *Grazioso* Service Materials on *Grazioso* Defendant the Taliban is now complete.

I further certify that the docket entries at the SDNY indicate that *Grazioso* Defendant the Taliban has not filed an Answer nor otherwise moved with respect to the *Grazioso* Second Amended Complaint.

The default of *Grazioso* Defendant the Taliban is hereby entered.

Date: November 8, 2023
New York, New York



RUBY J. KRAJICK
Clerk of Court

EXHIBIT A

TO *GRAZIOSO* PLAINTIFFS' PROPOSED CLERK'S CERTIFICATE OF DEFAULT

PLAINTIFFS' APPLICATION FOR CERTIFICATE OF DEFAULT

PURSUANT TO LOCAL CIVIL RULE 55.1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

: **APPLICATION FOR
CERTIFICATE OF
DEFAULT PURSUANT TO
LOCAL CIVIL RULE 55.1**

: **1:03 MDL 1570 (GBD)(SN)**

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This Document Relates to

Grazioso, et al. v. The Taliban, et al.

1:22-cv-01188 (GBD)(SN)

TO THE CLERK OF COURT:

NOW COME the *Grazioso* Plaintiffs, through counsel, and respectfully submit this Application for Certificate of Default Pursuant to Local Civil Rule 55.1. Plaintiffs rely on the Affidavit of Dennis G. Pantazis, Esquire, and exhibits thereto, filed contemporaneously herewith, in making this Application.

The *Grazioso* Plaintiffs seek a Certificate of Default against Defendant the Taliban.

Defendant the Taliban has failed to enter an appearance in this Court and has not filed any responsive pleading to the *Grazioso* Plaintiffs' Second Amended Complaint, or any other pleading filed by the *Grazioso* Plaintiffs.

Grazioso Defendant the Taliban has been afforded more than sixty (60) days to file responses, yet has not appeared in that time.

Pursuant to the Court's April 21, 2021 Order, service of the *Grazioso* pleadings and related materials on *Grazioso* Defendant the Taliban is now complete.

Respectfully submitted,

Date: November 8, 2023

/s/

Timothy B. Fleming (DC Bar No. 351114)
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